THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15216 OF 2006

07.8.2006

Between:

Pedapudi Steven Kelly, S/o.Jacob Kelly
And others

… Petitioners

AND

The Joint Collector, Ranga Reddy District
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15216 OF 2006

ORDER:

Agricultural land admeasuring Acs.15.34 guntas in survey No.269 of Turkayamjal Village of Hayathnagar Mandal in Ranga Reddy District originally belonged to Smt.Mahaboob Begum Sahaba, which had been cultivated by Baddam Chennaiah (father of the third respondent), Baddam Narayana Reddy and late Mutyantala Narayana Reddy. Subsequently, these cultivating tenants purchased the land from the land owner. It is the case of the petitioners that during the period 1976-1979, Baddam Chennaiah and two others sold the land to different individuals after laying out the same. The petitioners purchased land from those persons who had obtained sale deeds from Baddam Chennaiah and two others. The petitioners allege that after purchase of the land, petitioners or their predecessors in title, who are in possession of the land, also obtained necessary mutation and pattadar passbooks (PPB), and that from 1976 Baddam Chennaiah and others were not in possession of the land and they are not the owners.

The third respondent appears to have submitted an application to the Joint Collector, Ranga Reddy District, the first respondent herein, to correct the entries in pahanies in respect of the land in survey No.269 as Acs.15.34 guntas instead of Acs.13.34 guntas. After considering the same, first respondent passed orders on 23.3.2004 under Section 9 of A.P. Rights in Land and Pattadar Pass Books Act, 1971 (the Act, for brevity) directing the Mandal Revenue Officer, Hayatnagar Mandal (MRO) to correct the entry relating to survey No.269 as Acs.15.34 guntas. Aggrieved by the same, the petitioners filed the present writ petition, after lapse of more than two years, though the Joint Collector passed orders on 23.3.2004.

Learned Counsel for the petitioners submits that the third respondent or his predecessors has no right to seek revision under Section 9 of the Act and that the order impugned is violative of principles of natural justice. He submits that the entire extent of Acs.14.34 guntas was sold by Baddam Chennaiah and two others and an extent of Ac.1.00 of land forms part of road in the layout and,

therefore, third respondent had no *locus standi* to claim the land.

Learned Assistant Government Pleader for Revenue (General) would submit that the land in survey No.269 is admittedly admeasuring Acs.13.34 guntas and, therefore, the third respondent requested for correction of pahanies, which was acceded to by the impugned order. Therefore, the learned Assistant Government Pleader submits that in exercising the provisions of this nature, no notice is necessary and even if the notice was not given, no prejudice is caused to the petitioners.

It is the case of the petitioners that the land admeasuring Acs.14.34 guntas (after excluding the land earmarked for roads in the layout) out of Acs.15.34 guntas was sold to nine persons including the vendors of the petitioners. It is also admitted (paragraph 5 of the affidavit) that the petitioners purchased an extent of Acs.6.32 guntas out of total extent of land in survey No.269. Therefore, even if the first respondent directs correction of the entries in respect of survey No.269, they cannot have any grievance. Secondly, first respondent directed the MRO to conduct enquiry. It was noticed that though the predecessors of the third respondent were recorded in the Khasra Pahanis for the years 1961-1962 as pattadars for the total extent of Acs.15.34 guntas in survey No.269, thereafter in the pahanies upto 1963-1964 and 1964-1965 the total extent was recorded as Acs.13.34 guntas, and there were no corresponding entries in Faisal Patties to that effect. Therefore, the Joint Collector thought it fit to direct the MRO to correct the entry relating to the total extent of the land in survey No.269. When admittedly, the total extent of the land is Acs.15.34 guntas even according to the petitioner and when they purchased only Acs.6.32 guntas, this Court fails to understand as to civil consequences that will result against the petitioners. If the petitioners have any apprehension that third respondent and his followers are likely to interfere with the their possession, it is always open to the petitioners to approach the civil Court and obtain injunction. It is also open to the petitioners to approach the Joint Collector, file appropriate application and obtain necessary orders insofar as their land is concerned. In this writ petition, no relief can be granted to the petitioners.

The writ petition, subject to the above observations, is accordingly dismissed. No costs.

(**V.V.S.RAO, J**)

August 07, 2006
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